

**Introduced by Senator Perata**February 23, 2007

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An act to amend Section 12040 of the Penal Code, relating to crimes.

## LEGISLATIVE COUNSEL'S DIGEST

SB 927, as introduced, Perata. Firearms.

Existing law creates the crime of, and establishes the punishment for, criminal possession of a firearm.

This bill would make a technical, nonsubstantive change to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 12040 of the Penal Code is amended to  
2     read:  
3     12040. (a) A person commits criminal possession of a firearm  
4     when he or she carries a firearm in a public place or on any public  
5     street while masked so as to hide his or her identity.  
6     (b) Criminal possession of a firearm is punishable by  
7     imprisonment in the state prison or by imprisonment in a county  
8     jail ~~not to exceed~~ *for up to* one year.  
9     (c) Subdivision (a) shall not apply to the following:  
10    (1) A peace officer who is in the performance of his or her  
11    duties.  
12    (2) Full-time paid peace officers of other states and the federal  
13    government who are carrying out official duties while in this state.

- 1     (3) Any person summoned by any of the officers enumerated  
2 in paragraph (1) or (2) to assist in making arrests or preserving the  
3 peace while he or she is actually engaged in assisting that officer.
- 4     (4) The possession of an unloaded firearm or a firearm loaded  
5 with blank ammunition by an authorized participant in, or while  
6 rehearsing for, a motion picture, television, video production,  
7 entertainment event, entertainment activity, or lawfully organized  
8 and conducted activity when the participant lawfully uses the  
9 firearm as part of that production, event, or activity.
- 10    (5) The possession of a firearm by a licensed hunter while  
11 actually engaged in lawful hunting, or while going directly to or  
12 returning directly from the hunting expedition.